

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

BIDZIRK, LLC, DANIEL G. SCHMIDT,)
III, and JILL PATTERSON,)

Plaintiffs,)

v.)

PHILIP J. SMITH,)

Defendant.)

Civil Action No. 6:06-CV-00109-HMH

AFFIDAVIT OF KEVIN M. ELWELL

State of South Carolina
County of Greenville

CAME BEFORE ME, the undersigned officer duly authorized to administer oaths, Kevin M. Elwell, a person known to me, who, upon being sworn, deposes and states:

1.

My name is Kevin M. Elwell. I am over 18 years of age and am qualified in all respects to testify to the matters asserted herein. I have personal knowledge of those facts and know them to be true.

2.

I am counsel for Plaintiffs in the above-captioned action.

3.

My rate for legal services is \$250 per hour, which is reasonable and customary considering my expertise and experience, and the area in which I regularly practice. My clients will be invoiced by my firm for the work performed related to this action. This work includes research and preparation of the motion to compel to which this affidavit is exhibited, and the additional time necessary to convene Defendant's deposition a second time.

4.

Attorneys' fees incurred by Plaintiffs in preparing and filing the motion to compel Defendant's attendance at his deposition total \$750.00. I anticipate approximately two hours of work related to the necessity to convene Defendant's deposition more than once; this will cost my clients an additional \$500.00.

FURTHER AFFIANT SAYETH NAUGHT.


KEVIN M. ELWELL

Sworn to and subscribed
before me this 2nd day
of November, 2006.


NOTARY PUBLIC *expires*
8.16.2014